

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 17-cr-00103-01

VERSUS

JUDGE HICKS

DONALD W. MALRAY

MAGISTRATE JUDGE HORNSBY

REPORT AND RECOMMENDATION

Upon the request of the District Judge, and with the written and oral consent of Defendant, this matter came before the undersigned U.S. Magistrate Judge on August 30, 2017, for administration of a felony guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Defendant was present with counsel, Elton Richey. The guilty plea is conditional in that Defendant reserves his right to appeal the court's denial of his motion to recuse Judge Hicks.

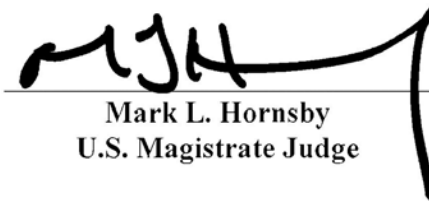
After the hearing, it is the finding of the undersigned that: (1) Defendant is fully competent to enter this guilty plea; (2) the plea agreement was properly signed and filed; (3) Defendant's guilty plea to Count 1 of the Indictment was freely and voluntarily entered, with a full understanding of the nature of the charge and the maximum penalties; (4) Defendant made a knowing and voluntary waiver of the right to a jury trial with the full assistance of counsel; (5) the guilty plea is fully supported by the factual basis for each of the essential elements of the offense; and (6) the plea agreement represents the entire agreement between the parties; there are no side agreements between the parties. The Government did agree, as

set forth in the plea agreement, to request that the State not bring additional charges, but Defendant understands that the Government cannot bind the State on that, and the guilty plea is *not* conditional on the State agreeing not to bring charges. Both the Government and Defendant waived their right to object to this Report and Recommendation. Accordingly,

IT IS RECOMMENDED that the District Judge accept the guilty plea of Defendant in accordance with the terms of the plea agreement filed in the record of these proceedings, and that Defendant be adjudged guilty of the offense charged in Count 1 of the Indictment.

IT IS FURTHER RECOMMENDED that, pursuant to the parties' waiver of their right to object, that the District Judge immediately adopt this Report and Recommendation without passage of the customary delays.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 30th day of August, 2017.



Mark L. Hornsby
U.S. Magistrate Judge